

Remarks:

Claims 18-24 are presented for Examiner Goff's consideration.

Pursuant to 37 C.F.R. § 1.111 and in response to the Office Action mailed July 7, 2003, the following amendments and remarks are submitted for your consideration. A Petition for a Three Month Extension of Time has been filed concurrently with this response, extending the time to respond to January 7, 2004.

By this Amendment, claims 1-17 have been cancelled. Support for the addition of superabsorbent into the claims may be found in the originally filed claims and the Examples. By way of the Office Action mailed July 7, 2003, Examiner Goff indicated that all previous 35 USC 112 rejections have been overcome. Such acknowledgement is appreciated.

Also by way of the same Office Action, the Examiner rejected claim 18 under 35 U.S.C. § 103 (a) as being unpatentable over DE 19653608 in view of WO 98/58799, Kobylivker et al. (US Pat. 6,002,064), McBride (US Pat. 4,880,422), and Winter (US Pat. 4,765,999), and further in view of Cloeren (U.S. Pat. 4,152,387) or Cloeren (4,553,308). This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claim.

The primary reference on which the Examiner relied throughout this Office Action has been DE 19653608 (hereinafter the "German reference"). The clearly stated object of this reference has been to produce a thinner film with a surface having a pleasing textile hand. See, for instance, the reference translation at page 1, lines 1-2. Such materials are described as being useful for all-weather or waterproof clothing. See page 2.

The materials described in the German reference **do not contemplate an absorbent function**, as claimed, and as further emphasized by the addition of superabsorbent in the claims. The absorbent foam in the present application provides the absorbent component of the personal care product. See, in this regard, Application page 6, lines 10-17. In contrast, the foam layer(s) contemplated in the German reference suggest other uses and, if anything, the opposite usage -- to that which is currently claimed in the present Application. For instance, the German reference suggests that the film material is a liquid proof material. See, in this regard, the translation of the reference at page 3, in which such foams are described as insulating and cushioning materials (lines 11-14), and further described on page 4, lines 2-4, at least with respect to known unicellular or closed cell foaming combinations (which the referenced foam is compared with) as being water-impermeable. The film components contemplated in the German reference are clearly described as creating a barrier to liquid water. See page 5, lines 11-14.

The concern of the inventor, as stated in the German reference on page 5, line 15, was to create a film that is soft to the touch. Such materials are to be used for a variety of end-products, including "rain-proof clothing". See specifically page 5, line 23. Therefore, it is respectfully submitted that there is absolutely no suggestion in the reference for an absorbent foam, absorbent function, or for the use of superabsorbent materials. The Examiner merely asserted in the action that such foam is absorbent, but fails to provide support for such assertion. Since the reference teaches the opposite, it cannot be used as a base reference for rejecting the amended claims.

There is no motivation to combine the German reference with the remaining references, as the Examiner has done, and even if one were to combine the references, such combination would not result in the claimed invention. Applicant would therefore suggest that a prima facie case of obviousness has not been made out and the rejection with respect to claim 18 should be withdrawn. Similar arguments would be appropriate for the remaining claim rejections.

Furthermore, the Examiner asserted that the DE 19653608 reference is silent as to the specific teaching on extruding the carrier film using a cast extrusion technique, and that the reference does not exclude extruding the film using a cast technique. Clearly, the German reference provides no motivation to combine a reference utilizing cast extrusion methods, or one that specifically mentions a multiple manifold die. Applicant respectfully asserts that since the material described in the current Application includes layers demonstrating different raw material manufacturing requirements and performance characteristics, such a product is intentionally described as being made using the multiple manifold cast film die. In particular, in producing a multilayered sheet of raw materials differing in chemistry, melt temperature, and viscosity, and with differing performance attributes (such as that described in the present application), one would not use a blown film apparatus.

In this regard, the Examiner asserted that cast and blown extrusion techniques are well known functional equivalents, and has cited WO 98/58799, Kobylivker et al., McBride and Winter for support. Applicant again respectfully asserts that multi-manifold cast dies and blown dies are functionally different apparatus, and while both may be used to form films, the type of die used may determine both the properties of the produced film, and be determined in order to accommodate differences in the starting raw materials. In any event, the cited references do not suggest the use of cast systems to produce a composite having both absorbent and barrier functionality, such as the absorbent foam and film combination claimed.

With specific reference to the patents cited by the Examiner, it should be noted that WO 98/58799 does not suggest the use of multi-manifold dies for different composition materials, or materials having different desired performance attributes (such as a film and foam) for particular use in

forming composites for personal care products. While the Kobylivker reference describes the use of multilayered barrier films for use in medical-barrier type products, produced by either blown or cast formation processes, it does not suggest the preference for one in forming a breathable film/absorbent foam material for use in personal care products. While the McBride reference describes a backsheet of polyolefins, and that it may be either blown film or cast film constructed, the backsheet is a monolayer film, as opposed to a multilayered material of two materials (such as a film and foam) having differing raw material characteristics and differing desired performance attributes.

Likewise, while the Winter reference is directed to a multilayered bag of a polyester, it certainly does not describe a personal care product, nor does it suggest use of a multi-manifold die for delivering raw materials with differing manufacturing requirements and desired end attributes to a personal care product via a film and an absorbent foam.

In the latest Office Action by the Examiner, the Examiner cited two multiple-manifold die patents as well, for combination with the German reference. As has been previously stated, there is no motivation to combine such references. Further, it is not believed that either of the two references cited, that is Cloeren 4,152,387 and Cloeren 4,533,308 have any teaching that relates to or suggests use of such apparatus for the manufacture of personal care products.

Applicant therefore respectfully submits that there is no suggestion either by individual references or in combination, for a process for forming composites for use in personal care products as claimed, and therefore such rejection should be withdrawn.

By way of the same Office Action, the Examiner rejected claim 19 under 35 U.S.C. § 103 (a) as being unpatentable over DE 19653608, WO 98/58799, Kobylivker et al., McBride, Winter, Cloeren '387, Cloeren '308 and further in view of Van Gompel (U.S. 4,938,753).

This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claim. As the Applicant has previously indicated, the art references do not teach or suggest, (nor is there motivation to combine the references to suggest) the use of a cast multi-manifold die for use in producing a two layered sheet of film and absorbent foam having varied properties, and for use in forming an absorbent personal care product. Even if one were to combine the reference teachings, one would not arrive at the claimed invention for the reasons previously stated.

Furthermore, the Examiner stated that the German DE 19653608 reference teaches the use of extruded multilayered articles to form diapers, training pants etc, and that taking such teaching in combination with the disclosure of the Van Gompel reference, one could envision a nonwoven layer addition to the German "foil" to provide a cloth-like outercover. While the German reference

describes the use of such "foil" materials in products of personal hygiene, it describes the use of foam on the surface of the foil explicitly to provide a pleasing textile touch. The foam and foil combination is designed to replace the nonwoven fabric/foil combinations also described in the reference. Such nonwoven fabric/foil combinations are designed to "impart to the entire product a cloth-like appearance". See, in this regard, page 2, lines 13-25.

It is respectfully submitted that such "entire product cloth-like appearance" refers to the outer cover of the product. Given that such cloth-like appearance is already on the material as a result of the foam, one would not be motivated by such reference to put a second cloth-like outercover over the already pleasantly feeling foam layer. At least for these reasons, such rejection should be withdrawn.

By way of the same Office Action, the Examiner rejected claim 20 under 35 U.S.C. § 103 (a) as being unpatentable over DE 19653608, WO 98/58799, Kobylivker et al., McBride, Winter, Cloeren '387, Cloeren '308, and further in view of King (U.S. Patent 5,961,509).

This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claim. As the Applicant has previously indicated, the art references do not teach or suggest, (nor is there motivation to combine the references to suggest) the use of a cast multi-manifold die for use in producing a two layered sheet of film and absorbent foam having varied properties, and for use in forming an absorbent personal care product. Even if one were to combine the reference teachings, one would not arrive at the claimed invention for the reasons previously stated. At least for these reasons, such rejection should be withdrawn.

By way of the same Office Action, the Examiner rejected claims 21 and 22 under 35 U.S.C. § 103 (a) as being unpatentable over DE 19653608, WO 98/58799, Kobylivker et al., McBride, Winter, Cloeren '387, Cloeren '308, King, and further in view of Van Gompel.

This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims. As the Applicant has previously indicated, the art references do not teach or suggest, (nor is there motivation to combine the references to suggest) the use of a cast multi-manifold die for use in producing a two layered sheet of film and absorbent foam having varied properties, and for use in forming an absorbent personal care product. Even if one were to combine the reference teachings, one would not arrive at the claimed invention for the reasons previously stated. At least for these reasons, such rejection should be withdrawn.

By way of the same Office Action, the Examiner rejected claim 23 under 35 U.S.C. § 103 (a) as being unpatentable over DE 19653608, WO 98/58799, Kobylivker et al., McBride, Winter, and further in view of either Cloeren '387 or Cloeren '308, and further taken with King.

This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claim. As the Applicant has previously indicated, the art references do not teach or suggest, (nor is there motivation to combine the references to suggest) the use of a cast multi-manifold die for use in producing a two layered sheet of film and absorbent foam (with superabsorbent) having varied properties, and for use in forming a diaper product. Even if one were to combine the reference teachings, one would not arrive at the claimed invention for the reasons previously stated. At least for these reasons, such rejection should be withdrawn.

Finally, by way of the same Office Action, the Examiner rejected claim 24 under 35 U.S.C. § 103 (a) as being unpatentable over DE 19653608, WO 98/58799, Kobylivker et al., McBride, Winter, and further in view of either Cloeren '387, Cloeren '308, King, and further in view of Van Gompel.

This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claim. As the Applicant has previously indicated, the art references do not teach or suggest, (nor is there motivation to combine the references to suggest) the use of a cast multi-manifold die for use in producing a two layered sheet of film and absorbent foam (with superabsorbent) having varied properties, and for use in forming a diaper product. Even if one were to combine the reference teachings, one would not arrive at the claimed invention for the reasons previously stated. At least for these reasons, such rejection should be withdrawn.

For the reasons stated above, it is respectfully submitted that all of the currently presented claims are in form for allowance. However, should the Examiner feel that issues remain unresolved, he is encouraged to call the undersigned at (770)-587-8646.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

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